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EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,129

Applicant(s)

TING ET AL.

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the applicant's communication filed 3/19/2006.
2. Claims 1-28 are pending and presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claim 4 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 3. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

5. Claim 6 is objected to because of the following informalities: the claim recites limitation "transmission the updated web content file" in line 6. The phrase "transmission" in order to be consistent with the rest of claim should be --transmitting-- . Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-5, 9, 19, 23, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a "multiple language web content" in the preamble. It appears that there is no correlation between the preamble and the body of the claim. Although the claim recites each secondary server has a language, however, it silent whether the language of the primary and the secondary servers are different.

As per claims 2-4, they are at least rejected for their dependencies, directly or indirectly, on the rejected claim 1 above.

Claims 5, 9, 19, 23, and 28 recite the limitation "a compressed data file, which can be transmitted". The phrase "can be" raises uncertainty (doubt); since file(s) is/are always transmitted compressed or not. Therefore, with the phrase "can be" it doesn't mean anything will be done, there is no guarantee that the transmission was been done over the network. Appropriate correction or deletion is required. Examiner suggests the applicant(s) to replace the phrase "can be" by --is-- after which before transmitted.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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9. Claims 6-14, 20-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 6-14, and 20-28 appear to be directed to an abstract idea rather than a practical application of the idea. The claims do not result in a physical transformation, nor do they appear to provide a useful, concrete and tangible result. The claimed steps of “searching...” and “transmitting...” result in the establishment of a search query that is intended to be used to “update web content file” Thus, what results from the claimed method is merely a transmission. The transmission is not claimed as applied in a practical application, which provides a tangible, i.e., real world result. Transmission in and of itself is not producing a tangible result, because it does not use the result of what being search in a practical application nor make the search result available in such a form as to enable any usefulness of having performed the search to be realized. Instead, it appears to remain a mere abstraction. Therefore, claims 6-14, and 20-28 are not statutory and rejected under 35 U. S. C. 101.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 6-9, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Eshghi (U. S. Pat. No. 6,823,362).

As per claims 6 and 20, Eshghi discloses a system for updating content files among duplicate content servers (See Eshghi Title and Abstract) for use in a primary server (See Eshghi Fig.4, element 42) having web content by providing a HTTP based web language. The system comprising the steps of: searching an updated content in the web content and composing the updated content into a updated web content file by providing a query mechanism permitting to search for an update version in the server (See Eshghi col.6, lines 42-50; col.8, lines 41-53); and transmission the updated web content file by using the updating engine to send the content files (See Eshghi col.3, lines 62-65; col.6, lines 26-32).

As per claims 7 and 21, most of the limitations of this claim have noted in the rejection of claim 6. Applicant's attention is directed to the rejection of claim 6 above. In addition, Eshghi discloses the claimed limitations of further transmitting the updated web content file to a plurality of secondary servers (See Eshghi col.3, lines 59-620).

As claims 8 and 22, most of the limitations of this claim have noted in the rejection of claim 6 and 20. Applicant's attention is directed to the rejection of claims 6 and 20 above. In addition, Eshghi discloses the claimed limitations wherein the web content comprises at least one file based on a specific format recognized by a browser (See Eshghi col.2, lines 15-16, and col.5,

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lines 31-37).

As per claims 9 and 23, most of the limitations of this claim have noted in the rejection of claim 6 and 20. Applicant's attention is directed to the rejection of claims 6 and 20 above. In addition, Eshghi discloses the claimed limitations wherein the updated web content file is a compressed data file, which can be transmitted over a network (Eshghi col.3, lines 50-53, col.6, line 58 through col.7, line 2).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-5, 10-19, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eshghi (U. S. Pat. No. 6,823,362) in view of Saether et al. (U. S. Pat. No. 6,405,219).

As per claims 1 and 15, Eshghi discloses a system for updating content files among duplicate content servers (See Eshghi Title and Abstract). In particular, the system as disclosed by Eshghi providing a primary server (See Eshghi Fig.4 element 42) and a plurality of secondary servers (See Eshghi Fig. Element 41a through 41n), in which the primary server has web content and a timer, and each secondary server has a language code setting and web content corresponding to the web content on the primary server by providing a HTTP engine as a based web language which includes in each of the content servers permitting the extraction of the

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content file from the URL during operation, when a request for the content file is received in one of the content servers (See Eshghi col.2, line 67 through col.3, line 16); notifying the primary server by the timer such that the primary server searches for updated web content, composes an updated web content file, and synchronously transmits the updated web content file from the primary server to the secondary servers in response to notification by using an updating engine (See Eshghi Fig. 4 element 44) which notifies the primary server 42 by sending the updated version of the content file(Eshghi col.3, lines 62-65; col.6, lines 25-34); compiling updated web content file, and the updated web content file by dynamically linking to the language setting of each secondary server by using the HTTP format (See Eshghi col.2, lines 15-20); and updating the web content on each secondary server based on the updated web content file (Eshghi col.3, lines 59-62).

It is noted, however, Eshghi did not specifically teach the coding language as recited in the claim. On the other hand, Saether et al. achieved this claimed feature by providing a system for automatically updating the version of a set of files stored on content servers (See Saether et al Title, Abstract; col.1, line 51 through col.2, line 3). The system provides a hypertext mark-up language (HTML) script and application program code for coding the language code (See Saether et al. col.2, lines 51-58; col.15, lines 2-3).

Eshghi and Saether et al. are combinable because they are from the same field endeavor “updating content files among content servers”. At the time of the applicant’s invention, it would have been obvious to a person of ordinary skill in the art to modify the updating content files among duplicate content servers by incorporating the application program code taught by Saether et al. The suggestion for doing so would have been to enhanced the system of Eshghi by

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allowing it to use an hyper text mark-up language (HTML) script, and application program code permitting the update of the content files in the servers to be done in a same language quickly and efficiently. Therefore, it would have been obvious to combine Eshghi and Saether et al. to obtain the invention as specified in claims 1 and 15.

As per claims 2 and 16, the combination of Eshghi and Saether et al., as modified, discloses the claimed limitations further comprising translating the updated web content file from a language used on the primary server into a specific language used on the secondary server (See Eshghi col.col.5, line 29 through col.6, line 18).

As per claims 3, 4,17 and 18, the combination of Eshghi and Saether et al., as modified, discloses the claimed limitations wherein the web content comprises one file based on a specific format recognized by a browser (See Eshghi col.2, lines 15-16, and col.5, lines 31-37).

As per claims 5 and 19, the combination of Eshghi and Saether et al., as modified, discloses the claimed limitations wherein the updated web content file is a compressed data file, which can be transmitted over a network by applying a well cryptographic hash function algorithm to compress the reference content file (Eshghi col.3, lines 50-53, col.6, line 58 through col.7, line 2).

As per claims 10 and 24, most of the limitations of these claims have noted in the rejection of claims 1 and 15. Applicant's attention is directed to the rejection of claims 1 and 15

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above. Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims 1 and 15.

As per claims 11-14, and 25-28, most of the limitations of these claims have noted in the rejection of claims 2-5 and 14-19. Applicant's attention is directed to the rejection of claims 2-5 and 14-19 above.

Prior Art Made of Record

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Points Of Contact

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.V
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Jacques Veillard
Patent Examiner AU 2165


GRETA ROBINSON
PRIMARY EXAMINER

October 5, 2006